

MOTION TO DENY SUMMARY JUDGEMENT AND TO GO TO TRIAL

FILED

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CLERK
U.S. DISTRICT COURT

And now, comes the Plaintiff Christopher Erwin Prose, and Files the Following Declarations, medical Records, in Support of His motion to Deny Summary Judgement.

1 Plaintiff WAS INCARCERATED AT the WASHINGTON county correctional facility. And WAS DENIED Physical Therapy in which he WAS GIVEN A prescription for, AND GAVE RELEASE PAPERS FROM Hospital to The W.C.C.F. upon ARRIVAL.

2 NURSE ESTHER, NURSE CHERAL MCGAVITT told Plaintiff they DID NOT HAVE physical therapy AT their facility.

3 UPON Plaintiff's ARRIVAL AT The W.C.C.F. and the physical therapy prescription PAPERS Plaintiff provided this facility Plaintiff SHOULD NOT OF BEEN ADMITTED into their facility BECAUSE they did not have proper treatment FOR him, they HAD NO therapy.

4 Plaintiff's medical Records clearly show there WAS A MD for physical therapy.

5 It is clearly Obvious that Plaintiff WAS IN PAIN, serious AND chronic, THAT MOTRIN, TYLENOL OR ANY OTHER OVER THE

COUNTER medication would NOT help, See medical Record, ON OVER the counter medications will NOT help.

6 Plaintiff SHOULD NOT OF BEEN forced to BUY his medications that would NOT EVER HELP his serious pain, OFF of commissary.

7 Plaintiff Has provided Declarations THAT Shows That The WCCF, Clearly DOES NOT provide GRIEVANCES OR Help To understand how to file one or AN Appeal,

8 Plaintiff Did what He knew ~~was~~ or Hord of About Filing A Grievance Plaintiff knew nothing About AN Appeal,

9 Plaintiff's Denial of Physical Therapy was ON Going From JULY 7th to October 17 2002 And suffered Sever PAIN And could NOT perform AND EXERCISES OR STRETCHES That The Defendants Brief STATES, Due to the PAIN,

10 Plaintiff continues to suffer from the incident of The W.C.C.F's Denial of Physical Therapy,

11 Plaintiff sees A Therapist for His neck And BACK And may suffer Permanent Damage,

12 Plaintiff Exhausted ALL Remedies That he knew to be AVAILABLE to him At The time of the incident,

WHEREFORE Plaintiff Requests this Honorable Court to Grant His motion To Deny Summary Judgment And to go to TRIAL,

By Christopher Inman
December 29, 2006 Christopher Inman

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER IRWIN,
PLAINTIFF,

VS.

NURSE 1, et al.
DEFENDANTS,

DECLARATION

C.A. No. CA 04-246 ERIE

CHRISTOPHER IRWIN Here by Declares:

That when I was a new commitment at the Washington County Correctional Facility on Feb 2006 until Feb 2006 I was provided with A rule book. aprox. date 2006

TRUE I WAS FALSE I WAS NOT ✓

1. Upon my new commitment I was provided with an Orientation video that explained the RULES of conduct for the institution, and REGULATIONS COVERING the treatment of prisoners. TRUE I WAS ✓ FALSE I WAS NOT

2. While I was committed at the Washington County Correctional Facility I knew that I was allowed to make requests or enter complaints to the Administrator of the jail or to a jail officer, Because this was explained to me by a jail officer or employee-counselor of the W.C.C.F. TRUE I KNEW FALSE I DID NOT ✓

3. I was provided information in writing or an officer, employee-counselor explained my RIGHTS and OBLIGATIONS to me while I was at the Washington County Correctional Facility. TRUE FALSE ✓

4. I was aware of the inmate grievance procedure because a Correctional Officer or Counselor explained the procedure to me, or I knew the procedures were in the rule book. TRUE FALSE ✓

5. If I wanted to file a grievance I was able to receive one from the officer on the pod I was on. TRUE I WAS FALSE I WAS NOT ✓

6. The only information I knew about grievances was from other inmates talking about them on the Pod. TRUE ✓ FALSE

7. While I was at the Washington County Correctional Facility I observed Correctional Officers on the Pod at various times while we were locked down get into the MAIL/INSIDE MAIL box when the Officers should not have been removing MAIL from the box. TRUE ✓ FALSE

8. If I filed a grievance, I knew the procedure when I recieved a response back that I was not satisfied with, which was to file an APPEAL. TRUE ☐ FALSE ☒

9. I personally have had problems with the Correctional Officers or Captians at the Washington County Correctional Facility, and I have provided a short response of the problems that was never resolved because I did not know how to try to resolve them, DUE TO LACK OF KNOWLEDGE OR HELP. NOT APPLY ☐ OR ☒ SHORT RESPONSE: _____

~~I WAS SMACKED AROUND BY CAPTAIN CAMPBELL AND NAVE 3 who is A CO in The S.H.U. And They did An intergral investigation And SAID THAT IT WAS ON FOUNDED. THIS BEHAVIOR OCCURED ALL THE TIME AT THIS FACILITY.~~

10. While I was an inmate at the Washington County Correctional Facility, I was denied MEDICAL TREATMENT that was necessary for my medical issues. TRUE I WAS ☒ FALSE I WAS NOT ☐ NOT APPLY ☐ IN 2004

11. OTHER: Other than The issues before This court I was denied my medication And denied to see A doctor Around February 21st 2006 I went to WCCP from SCI Albion for A hearing in the court house And I had my meds transported with me And They refused to administer them to me, It CAUSED me A GREAT PAIN AND I COULD NOT THINK CLEARLY in court BECAUSE OF MY A.D.D, I filed And sent Request SLIPS AND ASKED for A Grievance, And was denied A

I verify that the statements made in this DECLARATION are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 11/26/06

Respectfully submitted,

SIGNED by: Christopher R. [Signature]

PRINT NAME, CHRISTOPHER R. [Signature]

ADDRESS, 10745 Route 18
Albion, PA. 16475-0002

The WASHINGTON County Correctional Facility WILL NOT GIVE OUT Grievances you must fill OUT REQUESTS AND ASK CAPTAINS for Them And Then DENY you A Grievance, I Am told They no longer CARRY them on the block, when I ASKED for one in Feb 2006.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER IRWIN,
PLAINTIFF,

VS.

MURSE 1, et al.
DEFENDANTS.

DECLARATION

C.A. No. CA 04-246 ERIE

Ronald Gella Here by Declarant

That when I was A new commitment at the Washington County Correctional Facility on 7-29-06 until 9-29-06 I was provided with A rule book. aprox. date

TRUE I WAS ☒ FALSE I WAS NOT ☐

1. Upon my new commitment I was provided with an Orientation video that explained the Rules of conduct for the Institution, and REGULATIONS covering the treatment of prisoners. TRUE I WAS ☐ FALSE I WAS NOT ☒

2. While I was committed at the Washington County Correctional Facility I knew that I was allowed to make requests or enter complaints to the Administrator of the jail or to A jail officer, because this was explained to me by a jail officer or employee-counselor of the Washington County Correctional Facility. TRUE I KNEW ☐ FALSE I DID NOT ☒

3. I was provided information in writing or an officer, employee-counselor explained my RIGHTS and OBLIGATIONS to me while I was at the Washington County Correctional Facility. TRUE ☐ FALSE ☒

4. I was aware of the inmate grievance procedure because A correctional officer or counselor-employee explained the procedure to me, or I knew the procedures were in the rule book. TRUE ☐ FALSE ☒

5. If I wanted to file A grievance I was able to receive one from the officer on the Pod I was on. TRUE I WAS ☐ FALSE I WAS NOT ☒

6. While I was at the Washington County Correctional Facility I observed Correctional Officers on the Pod at various times while we were locked down get into the MAIL/INSIDE MAIL box when the Officers should not have been removing MAIL from the box. TRUE ☐ FALSE ☒

7. The only information I knew about grievances was from other inmates talking about them on the Pod. TRUE ☒ FALSE ☐

8. If I filed A grievance, I know the procedure when I received A response back that I was not satisfied with, which was to file an APPEAL. TRUE ☐ FALSE ☒

9. I personally have had problems with the Correctional Officers or Captains at the Washington County Correctional Facility, and have provided A short response of the problems that was never resolved because I did not know how to try to resolve them, DUE TO LACK OF KNOWLEDGE OR HELP. NOT APPLY ☐ OR SHORT RESPONSE: ☒

- I have had problems with officers called me names and said I was faking.

10. While I was an inmate at the Washington County Correctional Facility, I was DENIED MEDICAL TREATMENT that was necessary for my medical issues. TRUE I WAS ☒ FALSE I WAS NOT ☐ NOT APPLY ☐

11. OTHER: I WAS denied medical which lead to three surgeries. I had antibiotics IV for 6 weeks & now on blood thinners for 9 months. I spend 28 days in a hospital due to lack of medical attention at the Washington County Jail.

I Verify that the statements made in this DECLARATION true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 12/24/06

Respectfully submitted,

SIGNED BY:

Ronald Gallo

PRINT NAME,

Ronald Gallo

ADDRESS,

520 Jefferson Ave #40
Washington Pa 15301

DECLARATION RONALD GALLO

August 23-24 - got a pimple on left elbow and turned into staff infection. Got put on Antibiotics for 7-10 days

Sept 13 - started having slight pain in left knee. As the days went on it got worse

Sept 17-22 - started limping and could barely walk

Sept 17 - signed up for sick call and motrin. started taking motrin 18th every day.

Sept 19 - Signed up for sick call to go down on the 20th to see the nurse

★ I was never seen either times I signed up for a sick call

★ Friday morning, I couldn't walk. I was taken down for my sick call in a wheel chair. They told me I was fine and to continue with motrin and exercise left knee. I was already

to walk to my visits from the clinic to processing.

- ★ when I seen the other doctor he pused on my knee as I cried & explain my pain. to him. He told me that it WAS probably just something turn in my knee. He then set me up for ex-rays for Sept 28.

Sept 28 - I received my ex-rays and my results came back that there WAS nothing wrong. they really didnt help me at all, after that because they really thought I WAS lying.

- ★ comments WAS made that I just want someone to feel sorry. there is nothing wrong. I just wanted my Gram to feel sorry & sympathy for me is what they had SAID.

Sept 29 - I WAS running a very high fever that morning at 8:00 they told me to pack up I WAS being released for my release date.

5

Wash. Hospital I was sent to UPMC hospital.

Oct 1 - I received emergency surgery on my left leg. I was cut hip to knee. the infection was the size of a tennis ball. the infection was set in my bone & muscles. the infection was already ate a hole into my bone.

Oct 1-4 - suffered severe pain. Oct 4th I received a second surgery where the infection was still there. they drilled holes in my bone to get the infection out. antibiotic beads was placed in the hole to kill the infection.

I had a total of 3 surgeries. I am on 3 different antibiotics I.V. on morphine pump. dalolol pump, oxycodone.

Oct. 11 - I Am set to go for another surgery. to see if the infection was gone

6.

I was informed I had developed
3 blood clots on my lungs.

I was sent home on I.V.
antibioction for 6 weeks.
I 2 blood clot medication.

I am still in a lot of pain.
I still have trouble walking.

★ I still continue to follow up
on doctors appointment &
I got to get my blood
level checked.

I still am in constant worry
the infection will come back.

I verify that the statements
made in this declaration true and
correct. I understand that false
statements herein are made
subject to the penalties of 18
Pa. C.S. § 4104, relating to unsworn
falseification to officers.

12/24/06

Arnold Gallo
Roxell Gallo
1520 Jefferson Ave Fort 110
Washington PA 15341

Second inmate staph infection surfaces

Family of man hospitalized with resistant strain comes forward

BY BARBARA S. MILLER
Staff writer
bmiller@observer-reporter.com

A Canton Township man said Thursday he developed a staph infection while an inmate at the Washington County Jail.

Ronald J. Gallo, 20, a patient at University of Pittsburgh Medical Center, has had surgery twice to remove infected tissue in muscle and bone of his left leg. He expects to have a third surgery next week.

Gallo fears his leg may be amputated. "If I didn't get out of the jail and to the hospital, I could've died," he said Thursday.

Joanne Labriola, an orthopedic surgeon, described Gallo's condition as stable, improving with surgery and antibiotics. She called the possibility of amputation unlikely, but said Gallo had tested positive for methicillin-resistant Staphylococcus aureus, known as MRSA.

Gallo had spent most of the

summer in the jail, starting with a June 30 arrest in Peters Township for a traffic stop when marijuana was found in his vehicle.

Judge Paul Pozonsky sentenced Gallo, of 1520 Jefferson Ave., Sept. 7 on a simple assault charge stemming from a fight in June at a Jefferson Avenue restaurant. The judge gave Gallo credit for time served, but his total sentence was to be 3 to 12 months in jail, so he was returned to the jail after entering a guilty plea.

Gallo said he came down with an infection of the elbow in July or August for which he was given an antibiotic.

In mid-September, he had pain in his left leg. His grandmother, Judy Ward, said he was told at the jail that the pain likely came from pulling a muscle while playing basketball.

Gallo reported the problem to the jail, but said he was told to exercise and take an over-the-counter painkiller. He said the pain made him unable to walk.

"THEY PUT ME IN A LITTLE CELL FOR A WEEK. I WAS CRYING, IN SEVERE PAIN. THEY WOULDN'T DO NOTHING FOR ME."
WASHINGTON COUNTY JAIL
INMATE RONALD J. GALLO

"They put me in a little cell for a week. I was crying, in severe pain. They wouldn't do nothing for me," Gallo said Thursday.

Please see Jail, Page B3

Jail: Inmate tells story of resistant infection

Continued from Page B1

Running a fever of 99.4 degrees, Gallo was taken to Washington Hospital Sept. 29 and transferred the next day to UPMC.

An article published in the Observer-Reporter Thursday in which the deputy warden said he knew of no one now incarcerated at the county jail who has MRSA prompted Gallo's family members to contact the newspaper. A former county jail inmate sentenced to a state penitentiary said at a parole revocation hearing last week that he also had MRSA.

"Apparently, they're in denial," said Brandy Willard, Gallo's aunt. "It ate a hole right through his femur. They had to drill around that hole, make it bigger and pack it full of antibiotics."

Gallo's mother, Lisa, of Crestwood Drive, said of her son, "He's always been healthy, always."

Ward, said she went to the Washington County commissioners' office twice about her grandson's condition.

"I've went up there pleading, please take him to the emergency room," Ward said. Deputy Warden Brian Hammett said of Gallo, "I can't comment on any specific inmate." Asked if there were any cases of MRSA at the jail Thursday, Hammett said he hadn't checked.

Jail gets LexisNexis for inmates

BY BARBARA S. MILLER, Staff writer
bmiller@observer-reporter.com

Each inmate housing area, or "pod," of the Washington County Jail will have access to a computer terminal and software for legal research under a proposal approved Thursday by the Washington County commissioners.

Washington County, like other county jails, is required by law to give inmates an opportunity to assist in their defense of criminal charges.

Nancy Bielanski, county purchasing director, said Wednesday that a LexisNexis software package does not allow inmates access to the Washington County Jail's computer system. The stand-alone software system will cost the county \$17,040 over three years.

"In the old days, you had a law library and you had to actually take the inmates to the law library," said Deputy Warden Robert Hammett. "Now we had to buy all the law books - it was outrageous."

The Washington County Jail was recognized several years ago by Inside Corrections Technology magazine as the first jail to create a mobile law library.

With the LexisNexis software, the jail will have four licensed copies. "We don't have to even roll the computer around," Hammett said.

Before, with a single unit, jail counselors were responsible for making the computer available to inmates.

With a computer for each pod, the counselors will be able to spend more time working with inmates. Hammett likened them to school guidance counselors, except instead of directing them on which classes to take, the jail counselors discuss treatment programs, meetings with defense attorneys and whether inmates are eligible for work release.

Informed Thursday of Gallo's hospitalization, Commission Chairman Larry Magg, chairman of the prison board, said, "I'm not aware of that. I'm sure the jail is on top of it. We've not been told of any problems or man of the prison board, said, any need for concern."

RONALD GALLO

Woman sues jail claiming mistreatment by guards

BY LINDA METZ, Staff writer
lmetz@observer-reporter.com

A Greene County woman claims mistreatment by guards while being held in Washington County Jail has left her emotionally and physically scarred.

Upon her release, Paith went to Washington Hospital, where she learned that her hand had been fractured but had healed improperly because of lack of treatment.

Paith claims she was again denied medication when incarcerated in December and thrown into the same disciplinary cell for no reason.

Meanwhile, Patterson claims that he, too, received extended solitary confinement and limited food when he was incarcerated the same time as his daughter. He also contends he was denied work release when he protested against the conditions and objected to treatment of his daughter.

County solicitor Lynn DeHaven was not available Friday for comment.

In the lawsuit, filed May 17, Paith claims that while incarcerated in January 2004 she was denied medications that are needed for her mental stability. She contends she was so repeatedly maced and thrown to the floor, fracturing her hand when it struck a bed. Paith, then 24, was put into a disciplinary cell that had no bed and no commode facilities other than an open

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER IRWIN,
PLAINTIFF,

VS.

NURSE 1, et al.
DEFENDANTS,

DECLARATION

C.A. No. CA 04-246 ERIE

I, Dennis Zapp

Here by Declares:

That when I was a new commitment at the Washington County Correctional Facility on 6/17/05 until 10/27/05 I was provided with a rule book. Approx. date

TRUE I WAS ☐ FALSE I WAS NOT ☒

Upon my new commitment I was provided with an Orientation video that explained the RULES of conduct for the institution, and REGULATIONS COVERING THE treatment of prisoners. TRUE I WAS ☐ FALSE I WAS NOT ☒

While I was committed at the Washington County Correctional Facility I knew that I was allowed to make requests or enter complaints to the Administrator of the jail or to a jail officer, because this was explained to me by a jail officer or employee-counselor of the W.C.C.F. TRUE I KNEW ☐ FALSE I DID NOT ☒

I was provided information in writing or an officer, employee-counselor explained my RIGHTS and OBLIGATIONS to me while I was at the Washington County Correctional Facility. TRUE ☐ FALSE ☒

I was aware of the inmate grievance procedure because a Correctional Officer or Counselor explained the procedure to me, or I knew the procedures were in the rule book. TRUE ☐ FALSE ☒

IF I wanted to file a grievance I was able to receive one from the officer on the pod I was on. TRUE I WAS ☐ FALSE I WAS NOT ☒ (NOT APPLY)

The only information I knew about grievances was from other inmates talking about them on the Pod. TRUE ☒ FALSE ☐

While I was at the Washington County Correctional Facility I observed Correctional Officers on the Pod at various times while we were locked down get into the MAIL/INSIDE MAIL box when the Officers should not have been removing MAIL from the box. TRUE ☒ FALSE ☐

8. If I filed A grievance, I knew the procedure when I received A response back that I was not satisfied with, which was to file an APPEAL. TRUE ☐ FALSE ☒ NOT Apply ☐

9. I personally have had problems with the Correctional Officers or Captians at the Washington County Correctional Facility; and have provided A short response of the problems that was never resolved because I did not how to try to resolve them, DUE TO LACK OF KNOWLEDGE OR HELP. NOT APPLY ☐ or ☒ SHORT RESPONSE: I was

attacked by an inmate but a certain Captain decided that I
needed to be thrown around and treated like I was the
threat, This Captain threatened to Mace and Assault me.
in front of several other inmates. I was put in R.H.U.

10. While I was an inmate at the Washington County Correctional Facility, I was denied MEDICAL TREATMENT that was necessary for my medical issues. TRUE I WAS ☒ FALSE I WAS NOT ☐ NOT APPLY ☐

11. OTHER: The guards and Captains do what they want and
treat people with no respect. They will beat inmates up and say
other inmates attacked ~~them~~ said person. There are Counselors
who stop by the Pods but won't let inmates talk to them
because they don't want to do anything.

I Verify that the statements made in this DECLARATION are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 8/3/06

Respectfully submitted,

SIGNED By: 

PRINT NAME, Dennis Zopp

ADDRESS, 10745 Route 18,
Albion, PA. 16475-0002

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER IRWIN,
PLAINTIFF,

VS.

NURSE 1, et al.
DEFENDANTS,

DECLARATION

C.A. No. CA 04-246 ERIE

Jimell

East

Here by Declares:

That when I was A new commitment at the Washington County Correctional Facility on 2001 until 2002 I was provided with A rule book. aprox. date

TRUE I WAS FALSE I WAS NOT ✓

1. Upon my new commitment I was provided with an Orientation video that explained the Rules of conduct for the institution, and REGULATIONS covering the treatment of prisoners. TRUE I WAS FALSE I WAS NOT ✓

2. While I was committed at the Washington County Correctional Facility I knew that I was allowed to make requests or enter complaints to the Administrator of the jail or to a jail officer, because this was explained to me by a jail officer or employee-counselor of the Washington County Correctional Facility. TRUE I KNEW FALSE I DID NOT ✓

3. I was provided information in writing or an officer, employee-counselor explained my RIGHTS and OBLIGATIONS to me while I was at the Washington County Correctional Facility. TRUE FALSE ✓

4. I was aware of the inmate grievance procedure because A correctional officer or counselor-employee explained the procedure to me. or I knew the procedures were in the rule book. TRUE FALSE ✓

5. If I wanted to file A grievance I was able to receive one from the officer on the Pod I was on. TRUE I WAS FALSE I WAS NOT ✓

6. While I was at the Washington County Correctional Facility I observed Correctional Officers on the Pod at various times while we were locked down get into the MAIL/INSIDE MAIL box when the Officers should not have been removing MAIL from the box. TRUE FALSE ✓

7. The only information I knew about grievances was from other inmates talking about them on the Pod. TRUE FALSE

8. If I filed A grievance, I knew the procedure when I received A response back that I was not satisfied with, which was to file an APPEAL. TRUE ☐ FALSE ☒

9. I personally have had problems with the Correctional Officers or Captains at the Washington County Correctional Facility, and have provided A short response of the problems that was never resolved because I did not know how to try to resolve them, DUE TO LACK OF KNOWLEDGE OR HELP. NOT APPLY ☐ or SHORT RESPONSE: _____

The CO's would joke about my leg and make me do things that were nearly impossible due to my disability.

10. While I was an inmate at the Washington County Correctional Facility, I was DENIED MEDICAL TREATMENT that was necessary for my medical issues. TRUE I WAS ☒ FALSE I WAS NOT ☐ NOT APPLY ☐

11. OTHER: *I was not aloud on the regular block because of my artificial leg, and they denied me use of the Law Library because it was on the regular block and I was forced to stay in the clinic.*

I Verify that the statements made in this DECLARATION true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 12/07/06

Respectfully submitted,

SIGNED By: Jennell East

PRINT NAME, Timell East

ADDRESS, 10745 Route 18

Albion PA 16475-0002

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER IRWIN,
PLAINTIFF,

VS.

NURSE 1, et al.
DEFENDANTS,

DECLARATION

C.A. No. CA 04-246 ERLE

Monte Costa Jr Here by Declares:

That when I was a new commitment at the Washington County Correctional Facility on 2001 until 2002 I was provided with a rule book. approx. date

TRUE I WAS X FALSE I WAS NOT X

Upon my new commitment I was provided with an Orientation v: that explained the RULES of conduct for the institution, and REGUL COVERING the treatment of prisoners. TRUE I WAS FALSE I WAS NOT

While I was committed at the Washington County Correctional Facility I knew that I was allowed to make requests or enter compl to the Administrator of the jail or to a jail officer, Because this was explained to me by A jail officer or employee-counselor of the W.C.C.F. TRUE I KNEW FALSE I DID NOT X

I was provided information in writing or an officer, employee counselor explained my RIGHTS and OBLIGATIONS to me while I was at the Washington County Correctional Facility. TRUE FALSE X

I was aware of the inmate grievance procedure because A Correctional Officer or Counselor explained the procedure to me, or I knew the procedures were in the rule book. TRUE FALSE X

IF I wanted to file A grievance I was able to receive one fr the officer on the pod I was on. TRUE I WAS FALSE I WAS NOT X

The only information I knew about grievances WAS from other inmates talking about them on the Pod. TRUE X FALSE

While I was at the Washington County Correctional Facility I observed Correctional Officers on the Pod at various times while w were locked down get into the MAIL/INSIDE MAIL box when the Office should not have been removing MAIL from the box. TRUE X FALSE

8. IF I filed A grievance, I knew the procedure when I received A response back that I was not satisfied with, which was to file an APPEAL. TRUE ☐ FALSE ☐ NOT APPLY ☒

9. I personally have had problems with the Correctional Officers or Captains at the Washington County Correctional Facility; and have provided A short response of the problems that was never resolved because I did not how to try to resolve them, DUE TO LACK OF KNOWLEDGE OR HELP. NOT APPLY ☐ or ☒ SHORT RESPONSE: I was

assaulted while in the Rhin. The officer involved made it a point to physically harm me. They beat my head off the wall, Drag me around by my handcuffs and throw me in my cell. They also removed my mattress, sheets, blanket and uniform.

10. While I was an inmate at the Washington County Correctional Facility, I was denied MEDICAL TREATMENT that was necessary for my medical issues. TRUE I WAS ☒ FALSE I WAS NOT ☐ NOT APPLY ☐

11. OTHER: _____

I Verify that the statements made in this DECLARATION are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Dated: 7/31/06

Respectfully submitted,

SIGNED BY: Marc L Costa
 PRINT NAME, Marc L Costa ENK822
 ADDRESS, 10745 Route 18,
 Albion, PA. 16475-0002

CERTIFICATE OF SERVICE

I CHRISTOPHER IRWIN, PRO SE.

hereby certify that A true AND correct
copy of the foregoing MOTION TO
Deny SUMMARY Judgement, MOTION
FOR APPOINTMENT OF COUNSEL, AND
DECLARATIONS has been served by
FIRST CLASS MAIL, postage pre paid, upon
the following parties on this 24th
Day of December, 2006.

United States District Court
Po Box 1820
ERIE, PA. 16507

Edmond R. Joyal
Esquire
975 Two Chatham Center
Pittsburgh, PA. 15219

By. Christopher IRWIN
10745 Route 18
ALBION PA, ~~16006~~
16475-0002